IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CRM-M-27825 of 2021
Date of Decision: 03.08.2021

Kavita

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ishan Khetarpal, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

****

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 100 dated 1.3.2021, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Civil Lines, Kaithal.

The FIR was registered on an application of Branch Manager, Equitas Small Finance Bank Limited, Kaithal. The allegations are that the petitioner and her husband availed loan of Rs.7,25,000/- on 30.7.2020. The loan was for 10 years. The loan agreement was duly signed by the petitioner and her husband. A three-storeyed house measuring 57 square yards ID No. 76C697U88 near Mata Gate Khushal Majri, Kaithal was mortgaged. The transfer deed of the immovable property was deposited by the accused in the bank. There is a default in repayment. The bank applied for certified copies of the documents of the property from Tehsil. It was found that the documents given for mortgage were forged and were not matching with the documents in Tehsil.

On 19.7.2021, learned counsel for the petitioner sought time to have instructions as to whether the petitioner is ready to clear the loan amount.

Today, learned counsel for the petitioner submits that the petitioner is not in a position to clear the loan amount.

The contention raised on behalf of the petitioner is that husband of the petitioner is behind bar, no recovery is to be made from the petitioner and her custodial interrogation is not required.

Learned counsel for the State on instructions opposes the prayer for grant of pre-arrest bail. She submits that the documents were duly signed by the petitioner and her husband, the amount of loan was credited in their joint account and they were well aware of the modus adopted for getting the loan sanctioned.

It is a case of economic offence.

In ***Y.S. Jagan Mohan Reddy Versus CBI (2013) 7 SCC 439***, the Supreme Court held as under:

> "*34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.*"

It is a case where husband and wife in a well planned manner had cheated the bank and got sanctioned a loan on forged documents. Public money is involved. Merely that one of the accused is already behind the bar is not sufficient ground to grant pre-arrest bail to the petitioner.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

3rd August, 2021
mk

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No